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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,368	09/30/2003	Paul Maycr	F-322	5982

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Pitney Bowes Inc.  
Intellectual Property and Technology Law Dept.  
35 Waterview Drive  
P.O. Box 3000  
Shelton, CT 06484

EXAMINER
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ERB, NATHAN

ART UNIT	PAPER NUMBER
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3628

MAIL DATE	DELIVERY MODE
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09/20/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/675,368

Applicant(s)

MAYER, PAUL

Examiner

Nathan Erb

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Applicant's response to Office action was received on June 29, 2007.
3. In response to applicant's amendment of the claims, all of the claim objections from the previous Office action are hereby withdrawn.
4. In response to applicant's amendment of the claims, the rejections of the corresponding claims have been correspondingly amended.
5. Applicant argues that the inserter control system of Gagliardi et al. does not possess the networking features described as possessed by the controller computer of claim 1. Examiner disagrees. Examiner directs applicant's attention to Figure 2 of Gagliardi et al. Note the inserter control systems 14 of each of the inserter systems 10. The inserter control system 14 is a member of a network that also contains a separate component, file server 102. Inserter control system 14 is directly linked to file server 102, with no other network components between them. Therefore, inserter control system 14 must contain networking features, as described in the rejection for claim 1 below in this Office action, so that it is able to communicate with file server 102. For example, inserter control system 14 must have a network port that allows it to communicate with file server 102, and inserter control system 14 must be capable of using a network protocol that is compatible with file server 102. Therefore, applicant's arguments are not persuasive.

***Claim Rejections - 35 USC § 103***

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6. Claims 1-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gagliardi et al., U.S. Patent No. 6,334,119 B1, in view of Carroll et al., U.S. Patent Application Publication No. US 2002/0083018 A1.

As per **Claim 1**, Gagliardi et al. discloses:

- an inserter system (column 2, lines 26-53);
- a plurality of modules for accumulating and assembling sheets into mail pieces (column 3, line 10, through column 4, line 64; inserter system can have various modules which insert documents into envelopes to create mail pieces);
- a controller computer coupled to the plurality of modules and controlling assembly of mail pieces in accordance with predetermined instructions, the controller computer receiving status data from the plurality of modules (Figure 2; column 3, line 10, through column 4, line 64; column 7, line 13, through column 8, line 58; controller computer here would be the inserter control system 14 of Figure 2);
- the controller computer including software configured for processing the status data to determine inserter status and passing processed status data directly to transmittal using a network protocol (column 4, lines 43-53; column 7, line 13, through column 8, line 58; controller computer here would be the inserter control system 14 of Figure 2; inserter control system uses software to perform its functions; real-time transmittal would be direct; communication over a network would require some sort of network protocol; thus, network protocol is inherently disclosed);

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- the controller computer further comprising a network port for directly transmitting status data using the network protocol to an external network (column 7, line 13, through column 8, line 58; controller computer here would be the inserter control system 14 of Figure 2; real-time transmittal would be direct; communication with a network would require some sort of network port; thus, network port is inherently disclosed; OMS 100 is on an external network relative to the inserter system 10 [see Figure 2]);

- the network port further configured for accepting incoming requests from the external network using the network protocol (column 2, lines 41-53; column 7, line 13, through column 8, line 58; claim 2; controller computer here would be the inserter control system 14 of Figure 2; real-time transmittal would be direct; communication from a network would require some sort of network port; thus, network port is inherently disclosed; OMS 100 is on an external network relative to the inserter system 10 [see Figure 2]; communication over a network would require some sort of network protocol; thus, network protocol is inherently disclosed);

- the controller computer configured for transmitting inserter status data in real-time, without need for withdrawal of information from a database or repository in the controller computer (column 7, line 13, through column 8, line 58; controller computer here would be the inserter control system 14 of Figure 2).

Gagliardi et al. fails to disclose using objects to perform computer functions. Carroll et al. discloses using objects to perform computer functions (paragraphs [0023]-[0028]). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention of Gagliardi et al. such that it uses objects to perform computer functions, as disclosed by Carroll et al. Motivation is provided by Carroll et al. in that object-oriented

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programming is more flexible than traditional programming languages (paragraphs [0023]-[0028]).

As per **Claim 2**, Gagliardi et al. fails to disclose wherein the network protocol is used to communicate with an HTTP web server and the network port is a TCP/IP port. Carroll et al. further discloses wherein the network protocol is used to communicate with an HTTP web server and the network port is a TCP/IP port (Figure 1; paragraph [0001]; paragraphs [0013]-[0017]; paragraphs [0023]-[0024]; TCP/IP is the standard for communication over the Internet, so a system that communicates over the Internet would have to have a TCP/IP port; communication between a web server and web browser implies the use of HTTP). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention of Gagliardi et al. as modified in the rejection for claim 1 such that the network protocol is used to communicate with an HTTP web server and the network port is a TCP/IP port, as disclosed by Carroll et al. Motivation is provided by Carroll et al. in that Internet-browser-based systems allow greater access, more scalability, and lower cost (paragraph [0013]).

As per **Claim 3**, Gagliardi et al. and Carroll et al. fail to disclose wherein the controller computer is a general purpose computer coupled to the plurality of modules. However, that element/limitation was well-known to one of ordinary skill in the art at the time of applicant's invention. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention of Gagliardi et al. as modified in the rejection for claim 1 such that the controller computer is a general purpose computer coupled to the plurality of modules, as

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was well-known to one of ordinary skill in the art at the time of applicant's invention.

Motivation is provided in that it was well-known to one of ordinary skill in the art at the time of applicant's invention that general purpose computers can be used as a flexible means of performing a variety of data processing tasks.

As per **Claim 4**, Gagliardi et al. and Carroll et al. fail to disclose wherein the controller computer is an embedded processor fixed within the plurality of modules. However, that element/limitation was well-known to one of ordinary skill in the art at the time of applicant's invention. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention of Gagliardi et al. as modified in the rejection for claim 1 such that the controller computer is an embedded processor fixed within the plurality of modules, as was well-known to one of ordinary skill in the art at the time of applicant's invention. Motivation is provided in that it was well-known to one of ordinary skill in the art at the time of applicant's invention that a dedicated processor can be optimized for best performance of its particular task.

As per **Claim 6**, Gagliardi et al. further discloses wherein the controller computer is configured so that selection of data for transmission occurs in real-time, without need for withdrawal of information from a database or repository in the controller computer (column 7, line 13, through column 8, line 58).

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7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gagliardi et al. in view of Carroll et al. in further view of McManus et al., U.S. Patent Application Publication No. US 2003/0101446 A1.

As per **Claim 5**, Gagliardi et al. and Carroll et al. fail to disclose a parser configured to select data for transmission responsive to an incoming request from the external network. McManus et al. discloses a parser configured to select data for transmission responsive to an incoming request from the external network (Figure 1; paragraphs [0012]-[0013]; paragraphs [0021]-[0025]; a parser would have to be present since the request can be limited to the transfer of only specified data). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention of Gagliardi et al. as modified in the rejection for claim 1 such that it includes a parser configured to select data for transmission responsive to an incoming request from the external network, as disclosed by McManus et al. Motivation is provided by McManus et al. in that a user can then request specific data for download (Figure 1; paragraphs [0012]-[0013]; paragraphs [0021]-[0025]).

#### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after



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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. **Examiner's Note:** Examiner has cited particular portions of the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Erb whose telephone number is (571) 272-7606. The examiner can normally be reached on Mondays through Fridays, 8:30 AM to 5 PM.

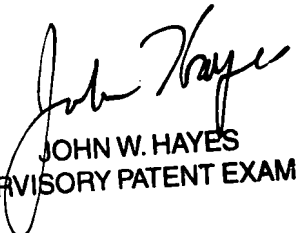
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nathan Erb  
Examiner  
Art Unit 3628

nhe

  
JOHN W. HAYES  
SUPERVISORY PATENT EXAMINER